IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 11TH MAY 2007 / 21ST VAISAKHA 1929

WP(C).No. 14890 of 2007(V)

PETITIONER:

C.BABURAJAN PILLAI,
S/O.CHELLAPPAN PILLAI, AGED 40 YEARS,
"ASWARYA", KUZHIMATHIKKADU P.O.,
LAKSHMI HOSPITAL JUNCTION, KARIPRA, KOLLAM.

BY ADV. SRI.BIMAL K.NATH
SRI.S.JAMAL
SRI.E.M.SUNIL KUMAR

RESPONDENTS:
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1. **THE KOLLAM CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT BANK (LTD), NO.Q.167, KOLLAM, REP. BY ITS SECRETARY.**

2. **THE SALE OFFICER, THE KOLLAM CO-OPERATIVE AGRICULTURE & RURAL DEVELOPMENT BANK LTD., NO.Q.167, KOLLAM.**

BY GOVERNMENT PLEADER MRS.BINDU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Antony Dominic, J.

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W.P(C).No.14890 of 2007

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Dated this the 11th day of May, 2007.

JUDGMENT

Petitioner, who is stated to have availed an agricultural loan of Rs.3 lakhs from the Kottarakkara Branch of the first respondent, had committed default in repayment. According to the petitioner, the whole crisis arose on account of the fact that he was involved in an accident leading to his prolonged hospitalisation. In the meanwhile, it appears that the Bank proceeded with recovery of its dues and the residential properties of the petitioners, which were mortgaged to the Bank, have been brought for sale and the sale is now scheduled on 21.5.2007. In the meanwhile, the petitioner submitted Ext.P3 request for one time settlement. According to the petitioner, while Ext.P3 is pending, the respondents are proceeding with Ext.P2, the sale notice. It is in the aforesaid circumstances that this Writ Petition has been filed seeking inter alia an order to consider his request for one time settlement.

2. Although the petitioner has sought for quashing Ext.P2 sale notice, I am not satisfied that the petitioner has made out a case for

interference. However, in view of the fact that the petitioner has submitted Ext.P3 request seeking the benefit of one time settlement, it is for the first respondent to consider the same on its merits and pass appropriate orders thereon, if Ext.P3 has been received and is pending. Orders on Ext.P3 shall be passed within a period of four weeks from the date of receipt of a copy of this judgment. In the meanwhile, on the petitioner depositing Rs.1 lakh, Ext.P2 sale notice shall be kept in abeyance pending consideration of Ext.P3. The petitioner is directed to produce a copy of this judgment before the first respondent for compliance.

The Writ Petition is disposed of as above.

Antony Dominic
Judge.

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